UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,776	09/04/2003	Fabio Giannetti	B-5184 621133-2	8984

7590   11/17/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/656,776	GIANNETTI, FABIO
	Examiner	Art Unit
	Manglesh M. Patel	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 September 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14 and 18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14 and 18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/04/2003</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: IDS and application filed on September 4,

2003.

2.   The Examiner has accepted the IDS filed on September 4, 2003.

3.   Claims 1-14 & 18 are pending. Claims 1, 11, 14 and 18 are independent claims.

Drawings

4.   The examiner has accepted the Drawings filed on September 4, 2003.

Priority

5.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. UK 0220710.8,

filed on 09/05/2002.

Specification

6.   The disclosure is objected to because it fails to include titles for background section,

summary, brief description of drawings & detailed description. The content is within the

specification but it should be separated with the appropriate titles.

Claim Objections

7.   Claim 1 is objected to because of the following informalities: The claim describes "at least one binding document of **the or each** binding element such that...". It is unclear what applicant is trying to state. Appropriate correction is required.

Claim Rejections - 35 USC § 101

8.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9.   Claim 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The claims describe a method that doesn't have to be performed using a computer. To over come this type of rejection the method should be associated to a computer or tangible element. EX. A computer Implemented method would overcome this rejection.

10.   Claims 11-14 are rejected because they describe a data structure but fail to include the association of a computer readable medium. In addition the data structure represents non-functional descriptive material because no steps or processes using the data structure are performed.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

12. Claims 1-3, 7-8, 10-14 & 18 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ferrel (U.S. 6,199,082, filed Jul 17, 1995).

Regarding Independent claims 1, 11, 14 & 18, Ferrel discloses *a method, data*

structure & system of authoring content to be served comprising:

- *Authoring a layout document which defines at least one area of a document*

   which includes the content to be published (column 10, lines 1-30, wherein the

   layout area is defined within a document for publishing content);

- *Authoring at least one binding element which defines the identity and location of*

   at least a portion of content and at least one style description which defines a

   style to be applied to a selected portion of content (See Fig 5 & column 19, 38-51

   & column 8, lines 10-65, wherein the object representing the binding element

   defines the identity and location of the content and style description with

   associated style information pertaining to the content);

- *In which the step of authoring the layout document includes allocating to the at*

   least one defined area a director to at least one binding document of the or each

   binding element such that when processed the published document includes in the

defined area the content as directed by the binding element in the style as

directed by the binding element (column 10, lines 1-30, wherein the object data

stream represents the director for representing the associated style and content

within the layout area).

Regarding Dependent claim 2, Ferrel discloses *the binding element does not itself*

contain any style or content, only containing directors to style or content (column 41,

lines 60-67 & column 42, lines 1-3, wherein the object that contains no description of the

style or content references an object data stream or director).

Regarding Dependent claim 3, Ferrel teaches *the content is provided as an electronic*

file which contains a portion of text, or image, or a combination of text and image

content (column 11, lines 63-67 & column 42, lines 1-11, wherein the content is

represented has text or image).

Regarding Dependent claim 7, Ferrel teaches *more than one style description is*

provided (column 9, lines 1-10, wherein the user selects multiple style descriptions, it is

users discretion in regards to the number of style descriptions used)

Regarding Dependent claim 8, Ferrel teaches *defining a binding element which defines*

the identity and location of more than one style description or the identity and location of

more than one portion of content (column 10, lines 1-30, wherein a binding element

represented by an object element describes several content portions or multiple style descriptions).

Regarding Dependent claim 10, Ferrel teaches *more than one binding element is provided, and the layout document includes a director to some or all of the total number of binding elements* (column 41, lines 60-67 & column 42, lines 1-3, wherein several objects are used to represent more than one binding element with associated object data streams)

Regarding Dependent claim 12, Ferrel teaches *comprises one or more discrete sections of machine readable data, a first section defining the a layout document, a second section defining the at least one binding element and a third section defining content, and a fourth section defining at least one style description* (column 9, lines 25-40, wherein several discrete sections represented by style, object elements and layout are disclosed).

Regarding Dependent claim 13, Ferrel teaches *the discrete sections form part of a single file of machine readable data or separate files of machine readable data* (See figure 4, wherein a tree representation shows the different sections from a single file used to represent content, style and layout information, all represent a separate file used together when performing the authoring of the document).

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Claim Rejections – 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   Claims 4-6 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel

(U.S. 6,199,082, filed Jul 17, 1995) in view of Brauer (U.S. Pub 2001/0014900, filed Feb 13,

2001).

Regarding Dependent claim 4, Ferrel teaches a publishing system for separating content

from format (abstract & column 4, lines 1-30). However the data is described in HTML

and SGML, Ferrel fails to explicitly teach the use of XML for representing the data.

Brauer teaches *the file comprises a section of data written for example in a mark-up*

language such as XML (See Abstract, wherein the method for separating content and

layout are described using XML). At the time of the invention it would have been

obvious to a person of ordinary skill in the art to include the use of XML to describe the

objects or elements. The motivation for doing so would have been to allow a method that

provides an XML representation of a computer readable document containing hard

formatting properties where the content and style properties of the XML-document are

easily amended. Therefore it would have been obvious to combine the teachings of

Brauer with Ferrel for the benefits of allowing representation of content and style using

XML allowing easier modification to the elements.

Regarding Dependent claim 5, Ferrel teaches a publishing system for separating content

from format (abstract & column 4, lines 1-30). However the data is described in HTML

and SGML, Ferrel fails to explicitly teach the use of XML for representing the data.

Brauer teaches *the style description is provided in the form of an electronic file written*

for example in a mark-up language such as XML (See Abstract, wherein the method for

separating content and layout or style are described using XML). At the time of the

invention it would have been obvious to a person of ordinary skill in the art to include the

use of XML to describe the objects or elements. The motivation for doing so would have

been to allow a method that provides an XML representation of a computer readable

document containing hard formatting properties where the content and style properties of

the XML-document are easily amended. Therefore it would have been obvious to

combine the teachings of Brauer with Ferrel for the benefits of allowing representation of

content and style using XML allowing easier modification to the elements.

Regarding Dependent claim 6, Ferrel teaches a publishing system for separating content

from format (abstract & column 4, lines 1-30). However the data is described in HTML

and SGML, Ferrel fails to explicitly teach the use of attributes for describing the director

to objects representing binded elements. Brauer teaches *the director to a binding element*

provided in the layout document is defined as an attribute within a section of machine

readable data written in a mark-up language (paragraph 5, wherein the formatting

properties represented by the director are described by attributes in XML). At the time of

the invention it would have been obvious to a person of ordinary skill in the art to include the use of XML to describe the objects or elements. The motivation for doing so would have been to allow a method that provides an XML representation of a computer readable document containing hard formatting properties where the content and style properties of the XML-document are easily amended. Therefore it would have been obvious to combine the teachings of Brauer with Ferrel for the benefits of allowing representation of content and style using XML allowing easier modification to the elements.

Regarding Dependent claim 9, Ferrel teaches a publishing system for separating content from format (abstract & column 4, lines 1-30). However the data is described in HTML and SGML, Ferrel fails to explicitly teach the use of attributes for describing the director to objects representing binded elements. Brauer teaches *defining two or more binding elements which direct to a common portion of content or style description* (See figure 2, reference numeral 221, wherein identical formatting elements are detected to a common content or style description). At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of XML to describe the objects or elements. The motivation for doing so would have been to allow a method that provides an XML representation of a computer readable document containing hard formatting properties where the content and style properties of the XML-document are easily amended. Therefore it would have been obvious to combine the teachings of Brauer with Ferrel for the benefits of allowing representation of content and style using XML allowing easier modification to the elements.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Other Prior Art Cited

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Davia (U.S. Pub 2002/0156815) discloses "Method And Apparatus For The Separation Of Web Layout, Logic, And Data When Used In Server-Side Scripting Languages"

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel

Patent Examiner

November 10, 2005

CESAR PAULA
PRIMARY EXAMINER